

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

UNITED STATES OF AMERICA,)	
)	CIVIL NO. 7:16-cv-00126
Plaintiff,)	
)	
v.)	
)	
LARRY CECIL CABELKA,)	
)	
Defendant.)	
_____)	

UNITED STATES' ORIGINAL COMPLAINT

The United States of America, at the direction of the Attorney General of the United States, and at the request and with the authorization of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, pursuant to 26 U.S.C. §§ 7401 and 7402, brings this action to reduce to judgment over **\$25.6** million in federal income (Form 1040) tax liabilities owed by the Defendant/Taxpayer, Larry Cecil Cabelka, and alleges that:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 26 U.S.C. § 7402(a), and 28 U.S.C. §§ 1340 and 1345.
2. Venue lies with this Court pursuant to 28 U.S.C. § 1391(b)(1), because the Defendant resides in this district.

PARTIES

3. Plaintiff is the United States of America.

4. Defendant Larry Cecil Cabelka is a resident of the State of Texas and of this district. He may be served at 9636 FM 210, Megargel, Archer County, Texas 76370.

COUNT I – CLAIM TO REDUCE TAX LIABILITIES TO JUDGMENT

5. A delegate of the Secretary of the Treasury made federal income (Form 1040) tax assessments in accordance with the law against Cabelka for income taxes, penalties, and interest, for the taxable years, on the dates, and in the amounts set forth below.

Type of Tax	Tax Period	Date of Assessment	Amount Due as of 10/17/2016
1040	1997	11/20/2006	\$5,771,561.09
1040	1998	11/20/2006	\$5,200,631.66
1040	1999	11/20/2006	\$3,989,385.59
1040	2000	11/20/2006	\$4,806,458.62
1040	2001	11/20/2006	\$3,055,755.10
1040	2002	11/20/2006	\$2,007,997.42
1040	2003	11/20/2006	\$512,376.63
1040	2005	03/28/2011	\$95,760.46
1040	2006	03/21/2011	\$94,669.32
1040	2007	08/01/2011	\$53,003.48
1040	2008	11/07/2011	\$237.04
1040	2009	04/04/2014	\$82,668.14
Total			\$25,670,504.55

6. A delegate of the Secretary of the Treasury properly issued notices of the tax assessments described above to Cabelka, and properly made demands for payment to him. These assessments are based upon substitutes for income tax returns prepared by the Internal Revenue Service under 26 U.S.C. § 6020(b), due to the failure of Cabelka to prepare and file his own federal income (Form 1040) tax returns with the IRS.

7. Despite the notices of the above tax assessments and demands for payment, Cabelka has failed, neglected, or refused to fully pay his income tax liabilities. Therefore, the United States seeks a judgment against Cabelka for **\$25,670,504.55**, plus prejudgment and post-judgment interest at the rates set forth in 26 U.S.C. §§ 6601, 6621 and 28 U.S.C. § 1961(c), penalties, and statutory additions thereon, from October 17, 2016 until paid.

COUNT II -- FEDERAL DEBT COLLECTION PROCEDURE ACT SURCHARGE

8. 28 U.S.C. § 3011 authorizes the United States to recover from Cabelka a surcharge of 10% of the amount of his income tax debt in the event the United States avails itself of the pre-judgment or post-judgment relief as set forth in Subchapter B or C of the Federal Debt Collection Procedure Act, 28 U.S.C. §§ 3001 *et. seq.*, in order to cover the cost of processing and handling the litigation and enforcement under this chapter of the claim for such debt.

WHEREFORE, Plaintiff United States of America prays for judgment:

A. In favor of the United States of America and against Defendant Larry Cecil Cabelka for his unpaid federal income tax liabilities, interest, penalties, and statutory additions for the taxable years 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008 and 2009, in the amount of **\$25,670,504.55**, plus prejudgment and post-judgment interest at the rates set forth in 26 U.S.C. §§ 6601, 6621 and 28 U.S.C. § 1961(c), from October 17, 2016, and penalties and statutory additions thereon, until paid.

B. Awarding the United States judgment for an amount equal to its costs incurred in this action and for any surcharge authorized by 28 U.S.C. § 3011, to be paid by Larry Cecil Cabelka; and

C. Awarding the United States of America such other and further relief as the Court may deem just and proper.

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